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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/225,574 01/05/99 TARRY

R 024730018

EXAMINER

QM12/0327

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MILLER, B

ART UNIT

PAPER NUMBER

3712

DATE MAILED:

03/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/225,574

Applicant(s)

TARRY ET AL.

Examiner

Bena Miller

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 38-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 40 and 43 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitations "an auxiliary display device" and "speakers" as now claimed are not supported by the original disclosure and thus constitute New Matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 40, the examiner is unsure as to what is meant by "an auxiliary display device. For example, does the auxiliary device include an image of the user?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 38-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Brostedt et al.

Brostedt teaches in figures 1-10 a system comprising a video camera (36), a processor (24), a video controller (51) and a display device (fig.6) configured as claimed.

Regarding claim 39, Brostedt further teaches a head-mounted display (101) configured as claimed.

Regarding claim 40, Brostedt further teaches an auxiliary display device (25) configured as claimed. Regarding the video controller, the examiner takes the position that the video controller of Brostedt includes a circuitry, inasmuch as it does not appear that it would work without circuitry.

Regarding claim 41, Brostedt further teaches a signal splitter (103) configured as claimed.

Regarding claim 42, Brostedt further teaches a video mixer (fig. 8, 54) configured as claimed.

Regarding claim 43, Brostedt further teaches speakers (fig.8) configured as claimed. Regarding the video controller see the comments regarding claim 40 set forth above.

Regarding claim 44, Brostedt further teaches earphones (102) configured as claimed.

Regarding claim 45, Brostedt further teaches a microphone (35A) configured as claimed.

Regarding claim 46, Brostedt further teaches a personal computer (25) configured as claimed.

Regarding claim 47, Brostedt further teaches means for receiving an instructional input (26) and a means for converting the instructional input (38) configured as claimed.

Regarding claim 48, Brostedt teaches in figures 1-12 the method for providing real-time instructional feedback comprising the steps of forming a real-time video (fig.1), generating an instructional signal (col.5, line 54-64), combining the instructional signal and the real-time video to form a composite video (col.5, line 54-64) and displaying the composite video signal to the user (col.5, line 54-64).

Regarding claim 49, Brostedt further teaches displaying the composite signal on a head-mounted (col. 5, line 54-64).

Regarding claim 50, Brostedt further teaches an auxiliary processed video signal (fig.1).

Regarding claim 51, Brostedt further teaches superimposing the instructional signal with the real-time video signal (fig. 4 and 8).

Regarding claim 52, Brostedt further teaches generating an aural signal (fig. 4 and 8).

Regarding claim 53, Brostedt further teaches generating an electrical signal representing an audio signal and generating the aural signal from the audio signal (col. 5, line 54-64; col.6, line 63- col. 7, line 16; col. 8, line 6-58).

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Regarding claim 54, Brostedt further teaches receiving an instructional input generated at a site remote from the user and converting the instructional input into the instructional signal (col. 7, line 53-67).

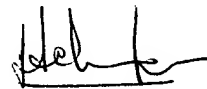
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 703.305.0643.

The examiner can normally be reached on Monday-Friday.

bbm

March 22, 2001



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